

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LIONEL BEAUCHAMP,

Petitioner,

v.

KENNETH MCKEE,

Respondent.

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Case No. 07-12509

Hon. Lawrence P. Zatkoff

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Komives's Report and Recommendation [dkt 13], in which the Magistrate Judge recommends that the Court deny Petitioner's petition for writ of habeas corpus. Petitioner has filed objections to the Report and Recommendation [dkt 16], and the Court reviews the objected-to portions of the Report and Recommendation *de novo*.

Petitioner's objections criticize Judge Komives's reliance on evidentiary rulings by the Michigan Court of Appeals, which Petitioner maintains were incorrect. While Petitioner insists that the Michigan Court of Appeals misread state evidentiary law, such a challenge is inappropriate in this forum, as Judge Komives correctly ruled. *See Estelle v. McGuire*, 502 U.S. 62, 67–68 (1991) (“It is not the province of a federal habeas court to reexamine state-court determinations on state-law questions.”); *Ege v. Yukins*, 485 F.3d 364, 375 (6th Cir. 2007) (citing *Bugh v. Mitchell*, 329 F.3d 496, 512 (6th Cir. 2003)) (“Habeas relief [is] warranted only if an evidentiary ruling is ‘so egregious that it results in a denial of fundamental fairness.’”).

Judge Komives alternatively reasoned that counsels' decision not to impeach a witness with possibly inculpatory letters was a strategic decision entitled to great deference. Thus, Judge Komives held that counsels' performance was not constitutionally deficient even if the letters were

admissible evidence. Petitioner does not address this facet of the Report and Recommendation in his objections.

The Court has thoroughly reviewed the court file, the Report and Recommendation, and Petitioner's objections. As a result of that review, the Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Accordingly, IT IS HEREBY ORDERED that the petition for writ of habeas corpus [dkt 1] is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: January 26, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 26, 2010.

S/Marie E. Verlinde  
Case Manager  
(810) 984-3290